

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 16-27, and 34-36 are pending in this case. Claims 16 and 22 are amended and Claims 1-15 and 28-33 are canceled by the present amendment. The changes to Claims 16 and 22 correct matters of form or are supported in the originally-filed disclosure at least at paragraph [0059]. Thus, no new matter is added.

In the outstanding Office Action, Claims 16-27, and 34-36 were rejected under 35 U.S.C. §102(e) as anticipated by Kolls (U.S. Patent No. 6,615,183).

Claim 16 is directed to an image forming apparatus and includes:

- a communications mechanism configured to communicate with a banner advertiser terminal via a network;
- a displaying mechanism configured to display a banner advertisement, received from the banner advertiser terminal, offering at least one of a product and services; and
- a response sending mechanism configured to send to the banner advertiser terminal, through the communications mechanism, at least one of an order and an inquiry for the at least one of the product and the services offered by the banner advertisement displayed on the displaying mechanism.

Kolls describes an unattended business center. As described at column 6, lines 6-22, and column 7, lines 6-24 and 61-67, of Kolls, vending machines, such as copiers 602A and facsimile machines 604A, are interconnected with a system 500 that acts as a public access electronic terminal and transaction control device. As described at column 15, lines 1-19, of Kolls, advertisements can be displayed on display means 580 or 582 that are part of the system 500, and a user can use a microphone 572, speaker 574, and camera 578 that are also part of the system 500 to obtain products, services or information from an organization.

Even assuming, *arguendo*, that the system 500 of Kolls with image forming equipment, such as copiers 602A and facsimile machines 604A, interconnected to it forms an

image forming apparatus, the system 500 with image forming equipment interconnected does not teach or suggest an image forming apparatus as defined by Claim 16.

The outstanding Office Action, at page 2, cites the system 500 of Kolls as the communications mechanism defined by Claim 16 and also as the banner advertiser terminal defined by Claim 16. However, such an interpretation precludes Kolls from teaching or suggesting “a communications mechanism configured to communicate with a banner advertiser terminal via a network,” as recited in Claim 16, because the system 500 does not communicate with itself over a network or receive a banner advertisement from itself.

At column 23, lines 8-16, Kolls describes a universal server distributing advertisements over a network 600. However, even if the universal server is asserted as the banner advertiser terminal defined by Claim 16, Kolls does not teach or suggest a displaying mechanism and a response sending mechanism, as defined by Claim 16, configured to “display a banner advertisement, received from the banner advertiser terminal...and...send to the banner advertiser terminal...at least one of an order and an inquiry for at least one of the product and the services offered by the banner advertisement.” Kolls describes the advertisement as being received from a universal server but describes the customer sending an order or request to an organization, rather than to the universal server. At column 31, lines 43-59, Kolls describes the customer pressing a “HELP” or “SERVICE” button, which leads the system 500 to send a request to the universal server, but such a request is not “for the at least one of the product and the services offered by the banner advertisement.” Thus, Kolls does not teach or suggest a displaying mechanism, as recited in Claim 16, displaying an advertisement “received from the banner advertiser terminal” and a response sending mechanism, as recited in Claim 16, sending a response or inquiry regarding the advertisement “to the banner advertiser terminal.”

Because Kolls does not teach or suggest at least the features of Claim 16 discussed above, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 16 and Claims 17-21, which depend therefrom, be withdrawn.

Claim 22, though differing in scope and statutory class from Claim 16, patentably defines over Kolls for substantially the same reasons discussed with respect to Claim 16. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 22 and Claims 23-27, which depend therefrom, be withdrawn.

Claim 34 is directed to an information processing apparatus and includes “a communication interface configured to communicate with an image forming apparatus via a network; and a displaying mechanism configured to display a banner advertisement which is distributed to the image forming apparatus when the image forming apparatus is in a non-operative state.”

The outstanding Office Action cites column 34, lines 39-41, of Kolls as teaching the elements of Claim 34. The cited portion of Kolls describes that non-prime time advertisements can be displayed when the system 500 is not in use. However, Kolls does not teach or suggest “an information processing apparatus” that is “configured to communicate with an image forming apparatus” and “display a banner advertisement...when the image forming apparatus is in a non-operative state.” The non-prime time advertisements discussed by Kolls are displayed by the system 500, asserted as the image forming apparatus, rather than on a different “image processing apparatus” that is “configured to communicate with an image forming apparatus.”

Because Kolls does not teach or suggest at least the elements of Claim 34 discussed above, Applicant respectfully requests that the rejection of Claim 34 under 35 U.S.C. § 102(e) be withdrawn.

Claims 35 and 36, though differing in scope and statutory class from Claim 34, patentably define over Kolls for substantially the same reasons as discussed with respect to Claim 34. Thus, Applicant respectfully requests that the rejection of Claims 35 and 36 under 35 U.S.C. § 102(e) be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

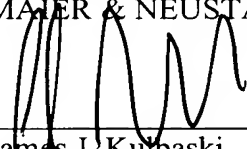
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



James J. Kurbaski
Attorney of Record
Registration No. 34,648